

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3000 OF 2004

IN

C.C.NO.422/S/OF 2003

(formerly numbered as Case No.105/S/1995)

The Indian Hume Pipe Co.
Ltd.

..Applicant

Vs.

Shri.Narayan B.Kasare and
Ors.

..Respondents

.....
Mr.Nagesh D.Hombalkar with S.N.Chimade
Advocate for Applicant
Mr.Ganesh Gole and Arpan Rajput Advocates
for Repspondent No.1.
Mr.Narayan B.Kasare Respondent No.1 is present
in person.

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CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : APRIL 18, 2006
IN CHAMBER AT 2.40 P.M.

P.C.

1. Heard the learned advocate for the applicant
i.e. original complainant and the learned advocate
for the Respondent No.1 i.e. original accused.
Respondent No.1 Mr.Narayan B.Kasare is present in
person.

2. This application has been filed for leave to appeal against the acquittal of Respondent No.1 under Section 630 of the Companies Act. The counsel for both the parties have stated that the parties have decided to settle the matter amicably. Pursuant to settlement, Pay Order bearing No.163891 dated 17.4.2006 for Rs.4 lakhs drawn on HDFC Bank, Fort Branch, Mumbai, is handed over to Respondent No.1 Narayan B.Kasare who is present in person. Respondent No.1 undertakes and agrees to shift to "Room No.1, Walchand Hirachand Chawl No.2, Indian Hume Pipe Company Quarters, Antop Hill, S.M.D.Road, Wadala (E), Mumbai-400037", within a week from today. It is also agreed that Respondent No.1 will reside at the aforesaid address for a maximum period of one month. Respondent No.1 undertakes that before expiry of one month i.e. by 25.5.2006, he will vacate "Room No.1, Walchand Hirachand Chawl No.2, Indian Hume Pipe Company Quarters, Antop Hill, S.M.D.Road, Wadala (E), Mumbai-400037". On the expiry of one month of Respondent No.1 occupying quarters at Room No.1, Walchand Hirachand Chawl No.2, Indian Hume Pipe Company Quarters,

Antop Hill, S.M.D.Road, Wadala (E), Mumbai-400037 and on Respondent No.1 vacating the said quarters, Pay Order of Rs.2 lakhs bearing Pay Order No.163984 dated 18.4.2006 drawn on HDFC Bank, Fort Branch, Mumbai, will be handed over to Respondent No.1. The said Pay Order dated 18.4.2006 is handed over today to Mr.Ganesh Gole Advocate for Respondent No.1, who will hand over the same to Respondent No.1 on or before 25.5.2006 but on Respondent No.1 vacating the said premises at Room No.1, Walchand Hirachand Chawl No.2, Indian Hume Pipe Company Quarters, Antop Hill, S.M.D.Road, Wadala (E), Mumbai-400037.

3. In view of the settlement, the learned advocate for the applicant states that he does not wish to pursue this application for leave to appeal. Hence, it is disposed of as such.

4. It is clarified that in the event of any default on the part of Respondent No.1, this leave to appeal shall stand revived.

[V.K.TAHILRAMANI, J.]

